

ROGER P. CROTEAU & ASSOCIATES, LTD.  
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6 *Attorney for Plaintiffs*

7 UNITED STATES DISTRICT COURT

8 DISTRICT OF NEVADA

9 \*\*\*

10 TAYLOR SOMMER, individually; TAYLOR  
11 SOMMER, as the Administrator of the ESTATE  
12 OF REINER SHAWN SOMMER, deceased,

13 Plaintiffs,

14 vs.

15 CITY OF LAS VEGAS, NEVADA, a political  
16 subdivision of the State of Nevada; LAS  
17 VEGAS METROPOLITAN POLICE  
18 DEPARTMENT, a political subdivision of the  
19 State of Nevada; JOE LOMBARDO,  
20 individually and as a policy maker and Sheriff of  
21 LAS VEGAS METROPOLITAN POLICE  
22 DEPARTMENT; SERGEANT GERALD  
23 BAGAPORO, individually and in his official  
24 capacity; SERGEANT JEFFREY BLUM,  
25 individually and in his official capacity;  
26 OFFICER ANDREW GARCIA, individually  
and in his official capacity; OFFICER JOSEPH  
ORTEGA, individually and in his official  
capacity; DOE LAS VEGAS METROPOLITAN  
POLICE DEPARTMENT SUPERVISORS I  
through X, inclusive; ROE LAS VEGAS  
METROPOLITAN POLICE DEPARTMENT  
OFFICERS XI through XX, inclusive,

27 Defendants.  
28

Case No.: 2:23-cv-01682-GMN-NJK

JOINT PRETRIAL ORDER

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COMES NOW, Plaintiff, TAYLOR SOMMER, individually, and TAYLOR SOMMER, as the Administrator of the ESTATE OF REINER SHAWN SOMMER, deceased (*collectively*, “*Plaintiffs*”), and Defendants, LAS VEGAS METROPOLITAN POLICE DEPARTMENT (“*LVMPD*”); SERGEANT GERALD BAGAPORO; SERGEANT JEFFREY BLUM; OFFICER ANDREW GARCIA; and OFFICER JOSEPH ORTEGA (*collectively*, “*Defendants*”), and submit the following proposed joint pretrial order.

Following pretrial proceedings in this case, **IT IS ORDERED:**

**I. Nature of the action:**

At its inception, this case was primarily a 42 U.S.C. § 1983 excessive force/wrongful death lawsuit. Plaintiff alleges that the Defendant Officers used excessive force when they attempted to take Reiner Sommer (“Decedent”) into custody during a mental health crisis. After discovery, the Defendants filed a Motion for Summary Judgment on all claims. On April 22, 2025, this Court issued its summary judgment order (“the Order”). (ECF No. 45.) The Order granted in part and denied in part Defendants’ Motion. Generally, the Order dismissed Sheriff Lombardo; all of Plaintiff’s § 1983 claims; and Plaintiff’s state law negligent training and supervision claim. The following claims remain for trial:

1. Whether the Defendant Officers acted negligently in causing Decedent’s death.
2. Whether the Defendant Officers negligently inflicted emotional distress on the Decedent.
3. Whether the Defendant Officers intentionally inflicted emotional distress on the Decedent.
4. Whether the Defendant Officers committed a battery and/or used excessive force against the Decedent.
5. Whether the Defendant Officers engaged in extreme and outrageous conduct while attempting to take the Decedent into custody.

**II. Statement of jurisdiction:**

This action was brought by Plaintiffs pursuant to 42 U.S.C. §1983 to redress violations perpetrated by the law enforcement Defendants while acting under color of state law, municipal law, custom or policy, in violation of certain rights secured to the Plaintiffs by the Fourth, Fifth and Fourteenth Amendments to the United States Constitution. Jurisdiction is conferred upon this Court pursuant to 28 U.S.C. §1343(4) of the 1871 Civil Rights Enforcement Act, as amended, including 42 U.S.C. §1983, as well as 28 U.S.C. and §1331. This Court possesses supplemental jurisdiction over the Plaintiff's state law causes of action pursuant to 28 U.S.C. §1367.

**III. The following facts are admitted by the parties and require no proof:**

1. On the date of the incident, all of the remaining individual defendants were police officers employed by LVMPD.
2. The individual defendants were acting under the color of law
3. At 10:30 a.m., on October 18, 2021, Decedent entered a Walgreens across the street from the Hospital to fill his prescriptions
4. As Decedent waited for his prescriptions, he began to sweat and moan in pain. The pharmacist offered to call medical, but Decedent declined any medical services.
5. At around 1:00 p.m., the Walgreens manager found Decedent lying on the floor of the public restroom in obvious distress.
6. The manager called for medical personnel.
7. Clark County Fire Department ("CCFD") and American Medical Response ("AMR") responded to Walgreens and found Decedent lying on his back in a bathroom stall.

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- 1           8.       The Decedent told CCFD personnel he was diabetic causing them to check his
- 2                   blood sugar levels, which were found to be normal.
- 3           9.       While CCFD waited for AMR, Decedent began scooping water from the toilet
- 4                   bowl and splashing it on his face and mouth.
- 5           10.      While on his knees leaning over the toilet, the Decedent held the toilet and
- 6                   eventually dislodged the toilet from the floor.
- 7           11.      The paramedics called LVMPD.
- 8           12.      Around 1:40 p.m., two LVMPD sergeants, Blum and Bagaporo, and officer Garcia
- 9                   were dispatched to Walgreens. Upon arrival, Sgt. Blum recognized the call likely
- 10                  involved a mental health crisis and not criminal activity and that the officers’
- 11                  presence might escalate the situation.
- 12           13.      Sergeants Blum and Bagaporo contacted a Walgreens employee and confirmed the
- 13                  Decedent had not acted violently.
- 14           14.      The sergeants then contacted AMR and CCFD personnel and learned the Decedent
- 15                  was large and uncooperative as he declined medical services.
- 16           15.      Sgt. Blum returned to the Walgreens employee and confirmed the store wanted
- 17                  Decedent trespass from the store.
- 18           16.      Officer Garcia arrived during this conversation, and Sgt. Blum updated him that he
- 19                  intended to detain Decedent for either trespassing or a mental health hold
- 20                  commonly known as a “Legal 2000.”
- 21           17.      After the second conversation with the Walgreens employee, Sgt. Blum returned to
- 22                  the bathroom and updated Sgt. Bagaporo and the medical personnel.
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18. The two sergeants then entered the bathroom where they found the Decedent was lying on the ground with his head propped up against the toilet bowl.
19. Sgt. Blum asked the Decedent “are you alright?” and “are you okay?”
20. When asked if he needed help, Decedent responded “no, I said no.”
21. Decedent then turned and placed his head over the toilet bowl and began scooping toilet water onto his face and mouth.
22. Sgt. Blum then radioed for additional police units to expedite as he realized the officers likely had to go hands on with the large Decedent.
23. As Sgt. Blum continued to monitor the situation, while Decedent was looking into the toilet bowl, Decedent threw a plastic toilet brush with his left hand in back of him that struck Sgt. Blum’s shoulder area. Sgt. Blum stated “that was close.”
24. Sgt. Blum did not respond and continued to monitor the situation for another approximately three minutes while waiting for additional units.
25. Throughout the encounter, Decedent continued to talk incoherently, splash toilet water on his face and mouth, and move around the toilet area on his knees, but never stood up.
26. Eventually, the Decedent moved away from toilet while still on his knees and placed himself on his stomach at the opposite corner of the stall with his face above the toilet brush holder.
27. Sgt. Blum instructed Sgt. Bagaporo and Ofc. Garcia to enter the stall and attempt to handcuff the Decedent.
28. Sgt. Bagaporo moved to Decedent’s head/shoulder area.
29. Ofc. Garcia moved to Decedent’s lower area.

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1 30. Sgt. Blum grabbed Decedent's ankles.

2 31. During the struggle, Decedent stated "I can't breathe" to which Sgt. Blum  
3 responded "give us your arms and you can breathe."

4 32. As Decedent was on his stomach, Officer Ortega arrived and began to assist while  
5 Sgt. Blum backed away.

6 33. Eventually, Sgt. Blum made the decision to drag Decedent out of the stall and into  
7 the open bathroom area.

8 34. In the open area, the officers successfully double handcuffed Decedent.

9 35. Seconds after handcuffing, Sgt. Blum rolled Decedent onto his side into the  
10 recovery position.

11 36. Sgt. Blum noticed that Decedent was unresponsive and, directed that he be pulled  
12 out of the bathroom and into the hallway to receive medical care.

13 37. Sgt. Blum ordered the removal of the handcuffs.

14 38. After 11 minutes of CPR, paramedics transported Decedent to Southern Hills  
15 Hospital where doctors pronounced him deceased.

16 39. The coroner found that Decedent passed due to the toxic effects of  
17 methamphetamine in the setting of police restraint.

18 40. The coroner characterized the death as homicide.

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23 **IV. The following facts, though not admitted, will not be contested at trial by evidence to**  
24 **the contrary:**

25 1. None.  
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**V. The following are issues of fact to be tried and determined at trial:**

1. Whether the Defendant Officers acted negligently in the manner they attempted to take the Decedent into custody.
2. Whether the Defendant Officers complied with LVMPD's manual and applicable policies and procedures.
3. Whether the Defendant Officers sufficiently communicated with the Decedent prior to going "hands on."
4. Whether the Defendant Officers negligently caused the Decedent to suffer emotional distress during the events of October 18, 2021.
5. Whether the Defendant Officers engaged in extreme and outrageous conduct causing the Decedent to suffer severe emotional distress.
6. Whether the Defendant Officers used excessive force and/or committed a battery against the Decedent while attempting to take him into custody.
7. Whether the Decedent was comparatively at fault and, if so, what percentage.
8. Whether the Decedent suffered emotional distress.
9. Whether the Decedent unlawfully resisted the officers' attempts to handcuff him.
10. Whether the officers' actions were a proximate cause of the Decedent's death.
11. The amount and extent of the Decedent's loss wages claim.
12. The extent to which the officers gave any commands to the Decedent; whether the Decedent refused to comply; and whether he responded to the questions posed by the officers.

**VI. The following are issues of law to be tried and determined at trial:**

1. Whether the Defendant Officers used unreasonable force.

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2. Whether both Plaintiff's negligence and excessive force/battery claims can go to the jury.

3. Whether under Nevada law, the Defendant Officers acted negligently.

4. Whether the conduct of the Defendant Officers was extreme or outrageous.

5. Whether the Defendant Officers are entitled to discretionary immunity under NRS 41.032.

6. Whether the Defendant Officers' actions and/or restraining procedures were the proximate and/or legal cause of Decedent's death.

7. Whether the Plaintiff has produced sufficient evidence to support a loss wages claim.

**VII. The following exhibits are stipulated into evidence in this case and may be so marked by the Clerk.**

**(a) The following exhibits are stipulated into evidence and may be so marked by the clerk**

1. CAD Incident Recall [LVMPD 000030-000047];
2. CAD Incident Log by Incident Number [LVMPD 000048-000071];
3. LVMPD Use of Force Policy
4. LVMPD Policy – 5/109.09 STAR De-Escalation Protocol [LVMPD 001291-001292]
5. BWC Garcia [LVMPD 001766-001767];
6. BWC Bagaporo [LVMPD 001768];
7. BWC Blum [LVMPD 001769-001770];
8. Audio – Radio Time Stamped [LVMPD 001765];
9. BWC Ortega (post-incident) [LVMPD 001790];
10. Photos of Officers [LVMPD 001838-001862]
11. Domestic Violence Report (11/17/21) [LVMPD 000234-000237]
12. Death Certificate, bates labeled 0001;



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13. Order Appointing Special Administrator, bates labeled 0002 – 0005;
14. Southern Hills Hospital billing records, bates labeled 0006 – 0018;
15. Southern Hills Hospital medical records, bates labeled 0019 – 0115;
16. Fremont Emergency Center records, bates labeled 0116;
17. Radiology Specialists records, bates labeled 0117;
18. Clark County Fire Department records, bates labeled 0118 – 0121;
19. American Medical Response records, bates labeled 0122 – 0138;
20. Clark County Coroner investigative report, bates labeled 0139 – 0146;
21. NMS Toxicology Report, bates labeled 0147 – 0158;
22. LVMPD Policy – 6/002.01 Use of Force Procedure [LVMPD 001316-001319];
23. LVMPD Policy – 6/002.02 Use of Force Tools and Techniques [LVMPD 001320-001329];

**(b) As to the following exhibits, the party against whom the same will be offered objects to their admission on the grounds stated:**

**i. Plaintiff's Proposed Exhibits (all documents listed below have been identified and bates labeled in Plaintiff's disclosures and supplements thereto)**

Defendants object to the following exhibits listed as Plaintiff's exhibits on the following grounds:.

1. Authenticity
2. Relevance
3. Prejudice, Confusion, or Waste of Time
4. Hearsay
5. Foundation
6. Competency
7. Proposed Exhibit Lacks Sufficient Description to Enable Defendants to Identify and Properly Object

1. LVMPD Manual, bates labeled 0159 – 0790.

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2. LVMPD Procedural Order PO-035-20 re: Use of Force, May 15, 2020, bates labeled 0791 – 0816;
3. LVMPD Use of Force Policy, rev. 11/2020, 9/2021, bates labeled 0817 – 0851
4. USDOJ bulletin, Positional Asphyxia—Sudden Death, bates labeled 0852 – 0855;
5. Clark County District Attorney Report on Use of Force: Legal Analysis Surrounding Death of Reiner Sommer on October 18, 2021, bates labeled 0856 – 0874;
6. Digital photographs received from LVMPD in response to Probate Court subpoena, 2713937-0001 through 2713937-0047; 2713953-0001 through 2713953-0111; 2715160-0001 through 2715160-0227;
7. Body camera video received from LVMPD in response to Probate Court subpoena, NPR2023-0041570#1 through NPR2023-0041570#26;
8. Various photographs and videos documenting the relationship between Taylor Sommer and Reiner Sommer, bates labeled 0876 – 1175.
9. Nomination of Special Administrator, bates labeled 1176;
10. Petition for Special Administration, bates labeled 1077 – 1181;
11. Letters of Special Administration, bates labeled 1182;
12. Associated Press, *Lethal Restraint: An Investigation Documenting Police Use of Force*, <https://apnews.com/projects/investigation-police-use-of-force/> (last viewed May 1, 2024);
13. SilverFlume - Nevada Business Entities, bates labeled 1183 – 1198;
14. Various photographs, cards, notes, and a calendar documenting the relationship between Taylor Sommer and Reiner Sommer, bates labeled 1199 – 1353;

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15. San Diego Sheriff's Department – Commissary Orders, bates labeled 1354-1377;
16. Documents received from San Diego County Sheriff's Department in response to Subpoena, received 9/27/24. Bates labeled 1378 – 1767;
17. Video Deposition of Sergeant Geordinno Bagaporo, dated 3/22/24. Bates labeled 1768 – 1772;
18. Transcript of the Video Deposition of Sergeant Geordinno Bagaporo, dated 3/22/24. Bates labeled 1773 – 2216;
19. Transcript of the Deposition of David Barry, dated 4/12/24. Bates labeled 2217 – 2305;
20. Transcript of the Deposition of Joshua Bever, dated 4/12/24. Bates labeled 2306 – 2352;
21. Video Deposition of Sergeant Jeffrey Blum, Volume I, dated 4/23/24. Bates labeled 2353 – 2357;
22. Transcript of the Video Deposition of Sergeant Jeffrey Blum, Volume I, dated 4/23/24. Bates labeled 2358 – 2605;
23. Video Deposition of Sergeant Jeffrey Blum, Volume II, dated 4/29/24. Bates labeled 2606 – 2609;
24. Transcript of the Video Deposition of Sergeant Jeffrey Blum, Volume II, dated 4/29/24. Bates labeled 2610 – 2922;
25. Transcript of the Deposition of Heidi Wenzel, dated 8/16/24. Bates labeled 2923 – 2973;
26. Video Deposition of Officer Andrew Garcia, dated 3/21/24. Bates labeled 2974-2978;

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- 1           27.     Transcript of the Video Deposition of Officer Andrew Garcia, dated 3/21/24. Bates
- 2                     labeled 2979 – 3331;
- 3           28.     Transcript of the Deposition of Andrew Louis, dated 4/11/24. Bates labeled 3332 –
- 4                     3494;
- 5           29.     Video Deposition of Lieutenant Landon Reyes, dated 7/9/24. Bates labeled 3495 –
- 6                     3498;
- 7           30.     Transcript of the Video Deposition of Lieutenant Landon Reyes, dated 7/9/24.
- 8                     Bates labeled 3499-3837;
- 9           31.     Transcript of the Deposition of Ben Murie, D.O., dated 6/24/24. Bates labeled 3838
- 10                    – 4047;
- 11           32.     Transcript of the Video Deposition of Officer Joseph Ortega, dated 4/15/24. Bates
- 12                    labeled 4048 – 4347;
- 13           33.     Video Deposition of Officer Joseph Ortega, dated 4/15/24. Bates labeled 4348 –
- 14                    4353;
- 15           34.     Transcript of the Deposition of Matthew Pokorny, dated 6/6/24. Bates labeled 4354
- 16                    - 4673
- 17           35.     Transcript of the Deposition of Taylor Sommer, dated 5/9/24. Bates labeled 4674 –
- 18                    4778;
- 19           36.     Plaintiff intends to utilize in their entirety all depositions, videos and exhibits at
- 20                    time of trial in this matter; additionally, the majority of the witness, experts and
- 21                    medical persons deposed in this matter are beyond the subpoena power of the court
- 22                    and would be unavailable for trial, and in those instances, Plaintiff intends to
- 23                    introduce the appropriate video and deposition at the time of trial in the place of the
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particular witness' line testimony. Plaintiff further expects that certain witnesses will appear vis electronic means at time of trial.

37. Critical Incident Review Team ("CIRT") Report – CONFIDENTIAL. This Report is an internal document protected by the Deliberate Process Privilege and will be provided open the filing of a protective order in the instant matter. All tangible items used to create the CIRT Report are identified in this disclosure;
38. Use of Force Review Board ("UFRB") Disposition – CONFIDENTIAL. The Report is an internal document protected by the Deliberate Process Privilege and will be provided open the filing of a protective order in the instant matter;
39. Tactical Review Board ("TRB") Disposition - CONFIDENTIAL. This Report is an internal document protected by the Deliberate Process Privilege and will be provided open the filing of a protective order in the instant matter;
40. Force Investigation Team ("FIT") Report [LVMPD 000001-000029];
41. CAD Incident Recall [LVMPD 000030-000047];
42. CAD Incident Log by Incident Number [LVMPD 000048-000071];
43. Coroner Inventory of Personal Effects [LVMPD 000072-000073];
44. LVMPD Autopsy Report [LVMPD 000074];
45. Coroner Report of Investigation with Autopsy Toxicology Report [LVMPD 000075-000092];
46. ICD Reporting Form [LVMPD 000093-000095];
47. Crime Scene Investigation Report re Scene – Tapay [LVMPD 000096-000097];
48. Crime Scene Investigation Report re Hospital – Felabom [LVMPD 000098];
49. Evidence Impound Report – Smissen [LVMPD 000099];
50. Case Report re Domestic Battery [LVMPD 000100-000110];

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- 1 51. LVMPD Public Report [LVMPD 000111-000112];
- 2 52. Email from Iacullo to Sheriff re FIT Investigation (10/18/21) [LVMPD 000113-
- 3 000115];
- 4 53. FIT Statement SSFC Paramedic Pokorny (10/18/21) [LVMPD 000116-000123];
- 5 54. FIT Statement of Walgreen's Manager Bever (10/18/21) [LVMPD 000124-000129];
- 6 55. FIT Statement of Pharmacy Tech Barry (10/18/21) [LVMPD 000130-000138];
- 7 56. FIT Statement of Ofc. Ortega (10/18/21) [LVMPD 000139-000141];
- 8 57. FIT Statement of Ofc. Lomaglio (10/18/21) [LVMPD 000142-000147];
- 9 58. FIT Statement of Engineer Paramedic Garwood (10/18/21) [LVMPD 000148-000158];
- 10 59. Email re AMR Employee Information (03/17/22) [LVMPD 000159-000160];
- 11 60. Bagaporo CIRT Notice [LVMPD 000161-000162];
- 12 61. Blum CIRT Notice [LVMPD 000163-000164];
- 13 62. Garcia CIRT Notice [LVMPD 000165-000166];
- 14 63. Ortega CIRT Notice [LVMPD 000167-000168];
- 15 64. Bagaporo CIRT Notice UOF [LVMPD 000169-000170];
- 16 65. Blum CIRT Notice UOF [LVMPD 000171-000172];
- 17 66. Garcia CIRT Notice UOF [LVMPD 000173-000174];
- 18 67. Ortega CIRT Notice UOF [LVMPD 000175-000176];
- 19 68. Garcia CIRT Statement (05/02/22) [LVMPD 000177-000185];
- 20 69. Blum CIRT Statement (05/02/22) [LVMPD 000186-000193];
- 21 70. Bagaporo CIRT Statement (05/04/22) [LVMPD 000194-000207];
- 22 71. Ortega CIRT Statement (05/31/22) [LVMPD 000208-000216];
- 23 72. Blue Team Report re CIRT [LVMPD 000217-000226];
- 24 73. Application, Certification and Medical Clearance for Emergency Admission (11/21/11)
- 25 [LVMPD 000227];
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- 1           74.     Application, Certification and Medical Clearance for Emergency Admission (10/09/15)
- 2                     [LVMPD 000228];
- 3           75.     Application, Certification and Medical Clearance for Emergency Admission (10/16/15)
- 4                     [LVMPD 000229];
- 5           76.     Application, Certification and Medical Clearance for Emergency Admission (11/06/15)
- 6                     [LVMPD 000230];
- 7           77.     Application, Certification and Medical Clearance for Emergency Admission (05/15/16)
- 8                     [LVMPD 000231];
- 9           78.     Application, Certification and Medical Clearance for Emergency Admission (11/15/16)
- 10                    [LVMPD 0000232];
- 11           79.     Application, Certification and Medical Clearance for Emergency Admission (12/27/16)
- 12                    [LVMPD 000233];
- 13           80.     Domestic Violence Report (11/17/21) [LVMPD 000234-000237];
- 14           81.     California SCOPE for R. Sommer [LVMPD 000238-000247];
- 15           82.     Clark County SCOPE for R. Sommer [LVMPD 000248-000254];
- 16           83.     Colorado SCOPE for R. Sommer [LVMPD 000255-000256];
- 17           84.     Nevada DMV SCOPE for R. Sommer [LVMPD 000257-000261];
- 18           85.     Texas SCOPE for R. Sommer [LVMPD 000262-000263];
- 19           86.     Email re Tactical Workup [LVMPD 000264-000265];
- 20           87.     R. Sommer Accurint [LVMPD 000266-000326];
- 21           88.     R. Sommer Driver's License [LVMPD 000327-000328];
- 22           89.     R. Sommer Mugshot [LVMPD 000329];
- 23           90.     R. Sommer NCJIS [LVMPD 000330-000334];
- 24           91.     LVMPD Policy – LVMPD Department Manual [LVMPD 000335-001261];
- 25           92.     LVMPD Policy – 1/412.04 Radio Systems Bureau [LVMPD 001262];
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93. LVMPD Policy – 1/412.01 Communications Bureau [LVMPD 001263-001264];
94. LVMPD Policy – 4/303.00 Accurately Recording [LVMPD 001265-001266];
95. LVMPD Policy – 4/107 Appearance [LVMPD 001267-001284];
96. LVMPD Policy – 5/209.16 Emergency Radio [LVMPD 001285-001289];
97. LVMPD Policy – 5/107.02 Request for Ambulance Service [LVMPD 001290];
98. LVMPD Policy – 5/109.09 STAR De-Escalation Protocol [LVMPD 001291-001292];
99. LVMPD Policy – 5/208.00 Firearm Procedures [LVMPD 001293-001315];
100. LVMPD Policy – 6/002.01 Use of Force Procedure [LVMPD 001316-001319];
101. LVMPD Policy – 6/002.02 Use of Force Tools and Techniques [LVMPD 001320-001329];
102. LVMPD Policy – 6/002.03 Post Use of Force Investigation [LVMPD 001330-001337];
103. LVMPD Training – 8.30 Patrol Procedures – Calls for Service [LVMPD 001338-001356];
104. LVMPD Policy – 8.34 Patrol Procedures – Armed Encounters [LVMPD 001357-001372];
105. LVMPD Policy – 10/30 Patrol Procedures – Tactical Approach to Major Crimes [LVMPD 001373-001384];
106. LVMPD Policy – Communications Bureau Manual [LVMPD 001385-001723];
107. Blue Team Report re TRB [LVMPD 001724-001730];
108. Bagaporo TRB Witness Notice [LVMPD 001731-001732];
109. Blum TRB Witness Notice [LVMPD 001733-001734];
110. Garcia TRB Witness Notice [LVMPD 001735-001736];
111. Ortega TRB Witness Notice [LVMPD 001737-001738];
112. UFRB Sign In Sheets [LVMPD 001739-001743];
113. Agreement to Protect Disclosure of CIRT [LVMPD 001744-001751];



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114. Bagaporo Subject Employee UFRB Notice [LVMPD 001752-001753];
115. Garcia Subject Employee UFRB Notice [LVMPD 001754-001755];
116. Ortega Subject Employee UFRB Notice [LVMPD 001756-001757];
117. Employee Obligations and Protections [LVMPD 001758-001761];
118. Audio – Phone [LVMPD 001762];
119. Audio – Radio Condensed [LVMPD 001763];
120. Audio – Radio Real Time [LVMPD 001764];
121. Audio – Radio Time Stamped [LVMPD 001765];
122. BWC Garcia [LVMPD 001766-001767];
123. BWC Bagaporo [LVMPD 001768];
124. BWC Blum [LVMPD 001769-001770];
125. BWC Black [LVMPD 001771-001773];
126. BWC Lomaglia [LVMPD 001774];
127. Audio – CIRT Interviews Blum [LVMPD 001775-001776];
128. Audio – CIRT Interviews Garcia [LVMPD 001777-001778];
129. Audio – CIRT Interviews Ortega [LVMPD 001779-001780];
130. Audio – CIRT Interviews Bagaporo [LVMPD 001781-001782];
131. Audio – FIT Interview CCFD Paramedic Pokorny [LVMPD 001783];
132. Audio – FIT Interview Pharmacy Tech Barry [LVMPD 001784];
133. Audio – FIT Interview Witness Bever [LVMPD 001785];
134. Audio – FIT Interview CCFD Engineer Garwood [LVMPD 001786];
135. Audio – FIT Interview Ortega [LVMPD 001787];
136. Audio – FIT Interview Lomaglio [LVMPD 001788];
137. UFRB Informational Powerpoint [LVMPD 001789];
138. BWC Ortega (post-incident) [LVMPD 001790];

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139. Photos at Hospital [LVMPD 001791-001837];
140. Photos of Officers [LVMPD 001838-001862];
141. Photos at Walgreens [LVMPD 001863-001948];
142. Photos of Xrays [LVMPD 001949-001952];
143. Photos at Coroner [LVMPD 001953-002140];
144. Photos of Personal Effects [LVMPD 002141-002175];
145. Blum CIRT Statement (11/02/21) [LVMPD 002176-002213];
146. Garcia CIRT Interview (11/02/21) [LVMPD 002214-002237];
147. Ortega CIRT Interview (11/02/21) [LVMPD 002238-002255];
148. Bagaporo CIRT Interview (11/02/21) [LVMPD 002256-002292];
149. Employment file of Andrew Garcia [LVMPD 002293-002304];
150. Employment file of Geordinno Bagaporo [LVMPD 002305-002454];
151. Employment file of Jeffrey Blum [LVMPD 002455-002581];
152. Employment file of Joseph Ortega [LVMPD 002582-002599];
153. 2018 thru 2019 LVMPD's IAB Annual Accountability Report [LVMPD 002600-002636];
154. Privilege Log;
155. Records from Clark County Fire Department [LVMPD 002637-002641];
156. Records from Southern Hills Hospital [LVMPD002642-002803];
157. Legal 2000 LLV111121003641 (11/21/11) [LVMPD 002804];
158. Legal 2000 LLV151009002412 (10/09/15) [LVMPD 002805];
159. Legal 2000 LLV151016001429 (10/16/15) [LVMPD 002806];
160. Legal 2000 LLV151105003480 (11/05/15) [LVMPD 002807];
161. Legal 2000 LLV160515001184 (05/15/16) [LVMPD 002808];
162. Legal 2000 LLV161227002525 (12/27/16) [LVMPD 002809];

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163. Legal 2000 LLV161115001693 (11/15/16) [LVMPD 002810];
164. Vehicle Impound (05/22/08) [LVMPD 002811];
165. Field Interview (02/02/17) [LVMPD 002812];
166. Field Interview (10/16/16) [LVMPD 002813];
167. Temporary Protective Order (11/21/11) [LVMPD 002814-002819];
168. Disposition Case 16M28460X (01/31/17) [LVMPD 002820];
169. Detention Division Voucher (04/05/12) [LVMPD 002821-002822];
170. Booking Voucher (04/02/12) [LVMPD 002823];
171. Booking Voucher (04/25/13) [LVMPD 002824];
172. Document Archive (05/13/21) [LVMPD 002825-002860];
173. Warrant Recall List (05/23/12) [LVMPD 002861];
174. Booking Voucher (06/18/13) [LVMPD 002862];
175. Booking Voucher (07/11/13) [LVMPD 002863]
176. Temporary Custody Record (09/05/10) [LVMPD 002864];
177. Release Voucher (09/08/10) [LVMPD 002865];
178. Booking Voucher (09/05/10) [LVMPD 002866];
179. Detention Division Voucher (10/04/11) [LVMPD 002867-002868];
180. Arrest Report (09/11/11) [LVMPD 002869-002870];
181. Detention Division Voucher (10/05/07) [LVMPD 002871];
182. Temporary Custody Record (10/02/07) [LVMPD 002872];
183. Attorney Action Slip (10/11/16) [LVMPD 002873];
184. Release Voucher (10/09/16) [LVMPD 002874];
185. Booking Voucher (11/16/12) [LVMPD 002875-002876];
186. Convicted Persons Registration (03/18/13) [LVMPD 002877];
187. Temporary Custody Record (04/03/12) [LVMPD 002878];

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188. Request for Photo from Cal. PD (10/02/10) [LVMPD 002879-002880];
189. Disposition Notice (10/17/05) [LVMPD 002881];
190. Booking Voucher (10/02/07) [LVMPD 002882];
191. Disposition Notice (09/12/05) [LVMPD 002883];
192. Disposition Notice (05/16/06) [LVMPD 002884];
193. Booking Voucher (10/02/07) [LVMPD 002885];
194. Disposition Notices (03/05/08) [LVMPD 002886];
195. Temporary Custody Record (10/02/07) [LVMPD 002887];
196. Declaration of Arrest (10/02/07) [LVMPD 002888];
197. Denial of Request (09/11/11) [LVMPD 002889];
198. Disposition Notice (09/28/11) [LVMPD 002890];
199. Booking Voucher (09/11/11) [LVMPD 002891];
200. Connecting Report Form (09/11/11) [LVMPD 002892];
201. Declaration of Arrest (09/11/11) [LVMPD 002893-002894];
202. Temporary Custody Record (09/11/11) [LVMPD 002895];
203. Booking Voucher (04/03/12) [LVMPD 002896];
204. Disposition Notice (12/20/12) [LVMPD 002897];
205. Declaration of Arrest (11/16/12) [LVMPD 002898];
206. Temporary Custody Record (11/16/12) [LVMPD 002899];
207. Declaration of Arrest (04/02/12) [LVMPD 002900];
208. Temporary Custody Record (04/02/12) [LVMPD 002901];
209. Booking Voucher (10/09/16) [LVMPD 002902];
210. Declaration of Arrest (10/09/16) [LVMPD 002903];
211. Temporary Custody Record (10/09/16) [LVMPD 002904];
212. Booking Voucher (01/29/17) [LVMPD 002905-002906];

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213. Booking Voucher (11/02/16) [LVMPD 002907];
214. Citation (11/02/16) [LVMPD 002908-002909];
215. Declaration of Arrest (01/29/17) [LVMPD 002910];
216. Temporary Custody Record (01/29/17) [LVMPD 002911];
217. Disposition Notice (06/19/98) [LVMPD 002912];
218. Disposition Notice (06/19/98) [LVMPD 002913];
219. Disposition Notice (08/07/02) [LVMPD 002914];
220. Case Report (03/12/05) [LVMPD 002915-002916];
221. Case Report (03/23/05) [LVMPD 002917-002918];
222. Case Report (09/07/06) [LVMPD 002919-002920];
223. Case Report (08/28/11) [LVMPD 002921-002922];
224. Case Report (09/10/11) [LVMPD 002923-002924];
225. Case Report (12/31/11) [LVMPD 002925-002926];
226. Case Report (02/22/16) [LVMPD 002927-002928];
227. Case Report (08/23/16) [LVMPD 002929-002930];
228. Case Report (10/19/16) [LVMPD 002931-002932];
229. Case Report (11/02/16) [LVMPD 002933-002934];
230. Case Report (10/17/21) [LVMPD 002935-002936];
231. LVMPD Training – Crisis Intervention Team (CIT) Training [LVMPD 002937-002962];
232. LVMPD Training – CIT Scenarios [LVMPD 002963-002975];
233. LVMPD Policy – 3.400 Responding to Persons in Behavioral Crisis or with Special Needs [LVMPD 002976-002986];
234. LVMPD Policy – 6/005.00 Handling Persons with Special Needs and/or Considerations [LVMPD 002987-002995];

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235. LVMPD Policy – 6/005.00 Responding to Persons in Behavioral Crisis or with Special Needs [LVMPD 002996-003003];
236. LVMPD Policy – Awareness Report Care and Control [LVMPD 003004-003007];
237. LVMPD Policy – PO 121 06-05-20 LVMPD Revised Use of Force Policy Just Weeks Prior to Mass Demonstrations [LVMPD 003008-003009];
238. Training – Defensive Tactics Manual 2021 [LVMPD 003010-003229];
239. Training – Defensive Tactics 1st Quarter [LVMPD 003230-003248];
240. Training – Defensive Tactics 2nd Quarter [LVMPD 003249-003269];
241. Training – Defensive Tactics 4th Quarter [LVMPD 003270-003296];

**ii. Defendants’ Proposed Exhibits**

Plaintiff objects to the following exhibits listed as Defendants’ exhibits on the following grounds:.

1. Authenticity
2. Relevance
3. Prejudice, Confusion, or Waste of Time
4. Hearsay
5. Foundation
6. Competency

**If necessary, the Defendants may use the following exhibits:**

1. Force Investigation Team (“FIT”) Report [LVMPD 000001-000029]
2. Crime Scene Investigation Report re Scene – Tapay [LVMPD 000096-000097];
3. Crime Scene Investigation Report re Hospital – Felabom [LVMPD 000098];
4. Evidence Impound Report – Smissen [LVMPD 000099];
5. Case Report re Domestic Battery [LVMPD 000100-000110];
6. LVMPD Public Report [LVMPD 000111-000112];
7. Email from Iacullo to Sheriff re FIT Investigation (10/18/21) [LVMPD 000113-000115];

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8. FIT Statement SSFC Paramedic Pokorny (10/18/21) [LVMPD 000116-000123];
9. FIT Statement of Walgreen's Manager Bever (10/18/21) [LVMPD 000124-000129];
10. FIT Statement of Pharmacy Tech Barry (10/18/21) [LVMPD 000130-000138];
11. FIT Statement of Ofc. Ortega (10/18/21) [LVMPD 000139-000141];
12. FIT Statement of Ofc. Lomaglio (10/18/21) [LVMPD 000142-000147];
13. FIT Statement of Engineer Paramedic Garwood (10/18/21) [LVMPD 000148-000158];
14. Blue Team Report re CIRT [LVMPD 000217-000226];
15. LVMPD Policy – 6/002.03 Post Use of Force Investigation [LVMPD 001330-001337];
16. LVMPD Training – 8.30 Patrol Procedures – Calls for Service [LVMPD 001338-001356];
17. LVMPD Policy – 8.34 Patrol Procedures – Armed Encounters [LVMPD 001357-001372];
18. LVMPD Policy – 10/30 Patrol Procedures – Tactical Approach to Major Crimes [LVMPD 001373-001384];
19. LVMPD Policy – Communications Bureau Manual [LVMPD 001385-001723];
20. Blue Team Report re TRB [LVMPD 001724-001730]
21. Audio – CIRT Interviews Blum [LVMPD 001775-001776];
22. Audio – CIRT Interviews Garcia [LVMPD 001777-001778];
23. Audio – CIRT Interviews Ortega [LVMPD 001779-001780];
24. Audio – CIRT Interviews Bagaporo [LVMPD 001781-001782];
25. Audio – FIT Interview CCFD Paramedic Pokorny [LVMPD 001783];
26. Audio – FIT Interview Pharmacy Tech Barry [LVMPD 001784];
27. Audio – FIT Interview Witness Bever [LVMPD 001785];

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28. Audio – FIT Interview CCFD Engineer Garwood [LVMPD 001786];
29. Audio – FIT Interview Ortega [LVMPD 001787];
30. Audio – FIT Interview Lomaglio [LVMPD 001788];
31. UFRB Informational Powerpoint [LVMPD 001789];
32. BWC Ortega (post-incident) [LVMPD 001790];
33. Photos at Hospital [LVMPD 001791-001837];
34. Photos of Officers [LVMPD 001838-001862];
35. Photos at Walgreens [LVMPD 001863-001948];
36. Photos of Xrays [LVMPD 001949-001952];
37. Photos at Coroner [LVMPD 001953-002140];
38. Photos of Personal Effects [LVMPD 002141-002175];
39. Blum CIRT Statement (11/02/21) [LVMPD 002176-002213];
40. Garcia CIRT Interview (11/02/21) [LVMPD 002214-002237];
41. Ortega CIRT Interview (11/02/21) [LVMPD 002238-002255];
42. Legal 2000 LLV151009002412 (10/09/15) [LVMPD 002805];
43. Legal 2000 LLV151016001429 (10/16/15) [LVMPD 002806];
44. Legal 2000 LLV151105003480 (11/05/15) [LVMPD 002807];
45. Legal 2000 LLV160515001184 (05/15/16) [LVMPD 002808];
46. Legal 2000 LLV161227002525 (12/27/16) [LVMPD 002809];
47. Legal 2000 LLV161115001693 (11/15/16) [LVMPD 002810];
48. Vehicle Impound (05/22/08) [LVMPD 002811];
49. Field Interview (02/02/17) [LVMPD 002812];
50. Field Interview (10/16/16) [LVMPD 002813];



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- 1 51. Temporary Protective Order (11/21/11) [LVMPD 002814-002819];
- 2 52. Disposition Case 16M28460X (01/31/17) [LVMPD 002820];
- 3 53. Detention Division Voucher (04/05/12) [LVMPD 002821-002822];
- 4 54. Booking Voucher (04/02/12) [LVMPD 002823];
- 5 55. Booking Voucher (04/25/13) [LVMPD 002824];
- 6 56. Document Archive (05/13/21) [LVMPD 002825-002860];
- 7 57. Warrant Recall List (05/23/12) [LVMPD 002861];
- 8 58. Booking Voucher (06/18/13) [LVMPD 002862];
- 9 59. Booking Voucher (07/11/13) [LVMPD 002863]
- 10 60. Temporary Custody Record (09/05/10) [LVMPD 002864];
- 11 61. Release Voucher (09/08/10) [LVMPD 002865];
- 12 62. Booking Voucher (09/05/10) [LVMPD 002866];
- 13 63. Detention Division Voucher (10/04/11) [LVMPD 002867-002868];
- 14 64. Arrest Report (09/11/11) [LVMPD 002869-002870];
- 15 65. Detention Division Voucher (10/05/07) [LVMPD 002871];
- 16 66. Temporary Custody Record (10/02/07) [LVMPD 002872];
- 17 67. Attorney Action Slip (10/11/16) [LVMPD 002873];
- 18 68. Release Voucher (10/09/16) [LVMPD 002874];
- 19 69. Booking Voucher (11/16/12) [LVMPD 002875-002876];
- 20 70. Convicted Persons Registration (03/18/13) [LVMPD 002877];
- 21 71. Temporary Custody Record (04/03/12) [LVMPD 002878];
- 22 72. Request for Photo from Cal. PD (10/02/10) [LVMPD 002879-002880];
- 23 73. Disposition Notice (10/17/05) [LVMPD 002881];
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74. Booking Voucher (10/02/07) [LVMPD 002882];
75. Disposition Notice (09/12/05) [LVMPD 002883];
76. Disposition Notice (05/16/06) [LVMPD 002884];
77. Booking Voucher (10/02/07) [LVMPD 002885];
78. Disposition Notices (03/05/08) [LVMPD 002886];
79. Temporary Custody Record (10/02/07) [LVMPD 002887];
80. Declaration of Arrest (10/02/07) [LVMPD 002888];
81. Denial of Request (09/11/11) [LVMPD 002889];
82. Disposition Notice (09/28/11) [LVMPD 002890];
83. Booking Voucher (09/11/11) [LVMPD 002891];
84. Connecting Report Form (09/11/11) [LVMPD 002892];
85. Declaration of Arrest (09/11/11) [LVMPD 002893-002894];
86. Temporary Custody Record (09/11/11) [LVMPD 002895];
87. Booking Voucher (04/03/12) [LVMPD 002896];
88. Disposition Notice (12/20/12) [LVMPD 002897];
89. Declaration of Arrest (11/16/12) [LVMPD 002898];
90. Temporary Custody Record (11/16/12) [LVMPD 002899];
91. Declaration of Arrest (04/02/12) [LVMPD 002900];
92. Temporary Custody Record (04/02/12) [LVMPD 002901];
93. Booking Voucher (10/09/16) [LVMPD 002902];
94. Declaration of Arrest (10/09/16) [LVMPD 002903];
95. Temporary Custody Record (10/09/16) [LVMPD 002904];
96. Booking Voucher (01/29/17) [LVMPD 002905-002906];

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97. Booking Voucher (11/02/16) [LVMPD 002907];
98. Citation (11/02/16) [LVMPD 002908-002909];
99. Declaration of Arrest (01/29/17) [LVMPD 002910];
100. Temporary Custody Record (01/29/17) [LVMPD 002911];
101. Disposition Notice (06/19/98) [LVMPD 002912];
102. Disposition Notice (06/19/98) [LVMPD 002913];
103. Disposition Notice (08/07/02) [LVMPD 002914];
104. Case Report (03/12/05) [LVMPD 002915-002916];
105. Case Report (03/23/05) [LVMPD 002917-002918];
106. Case Report (09/07/06) [LVMPD 002919-002920];
107. Case Report (08/28/11) [LVMPD 002921-002922];
108. Case Report (09/10/11) [LVMPD 002923-002924];
109. Case Report (12/31/11) [LVMPD 002925-002926];
110. Case Report (02/22/16) [LVMPD 002927-002928];
111. Case Report (08/23/16) [LVMPD 002929-002930];
112. Case Report (10/19/16) [LVMPD 002931-002932];
113. Case Report (11/02/16) [LVMPD 002933-002934];
114. Case Report (10/17/21) [LVMPD 002935-002936]

#### **VIII. Electronic evidence:**

The parties intend to rely upon video body camera footage demonstrating the facts and circumstances surrounding the Plaintiff's death. The parties also intend to present this electronic evidence for purposes of jury deliberation.

#### **IX. Depositions:**

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1 The parties do not object to the use of depositions for impeachment purposes if a witness is  
2 unavailable to testify.

3  
4 **X. Witnesses:**

5 **The following witnesses may be called by the parties at trial:**

6 **(a) State the names and addresses of Plaintiff's witnesses.**

- 7 1. Taylor Sommer  
8 c/o Roger P. Croteau, Esq.  
9 ROGER P. CROTEAU & ASSOCIATES, LTD.  
10 2810 W. Charleston Boulevard, Suite 67  
11 Las Vegas, Nevada 89102
- 12 2. Former Sheriff Joe Lombardo  
13 c/o Marquis Aurbach  
14 10001 Park Run Drive  
15 Las Vegas, Nevada 89145  
16 (702) 382-0711
- 17 3. Sergeant Gerald Bagaporo  
18 c/o Marquis Aurbach  
19 10001 Park Run Drive  
20 Las Vegas, Nevada 89145  
21 (702) 382-0711
- 22 4. Sergeant Jeffrey Blum  
23 c/o Marquis Aurbach  
24 10001 Park Run Drive  
25 Las Vegas, Nevada 89145  
26 (702) 382-0711
- 27 5. Officer Andrew Garcia  
28 c/o Marquis Aurbach  
10001 Park Run Drive  
Las Vegas, Nevada 89145  
(702) 382-0711
6. Officer Joseph Ortega  
c/o Marquis Aurbach  
10001 Park Run Drive  
Las Vegas, Nevada 89145  
(702) 382-0711

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7. Lieutenant Landon Reyes, Rule 30(b)(6) Designee for  
 Las Vegas Metropolitan Police Department  
 c/o Marquis Aurbach  
 10001 Park Run Drive  
 Las Vegas, Nevada 89145  
 (702) 382-0711
8. Officer Paul Lomaglio  
 c/o Marquis Aurbach  
 10001 Park Run Drive  
 Las Vegas, Nevada 89145  
 (702) 382-0711
9. Sergeant Michelle Iacullo, Detective Jason Leavitt, Detective Trever Alsup,  
 Detective Blake Penny, Detective Scott Mendoza, Detective Marc Colon, Ofc. Paul  
 Lomaglio, and/or other investigators and/or members of the LVMPD Force  
 Investigation Team  
 c/o Marquis Aurbach  
 10001 Park Run Drive  
 Las Vegas, Nevada 89145  
 (702) 382-0711
10. Ben Murie, D.O; Esmeralda Mercado; Persons Most Knowledgeable and/or  
 Custodians or Records  
 Clark County Coroner/Medical Examiner  
 1704 Pinto Lane  
 Las Vegas, NV 89106  
 (702) 455-3210  
  
 NEW ADDRESS FOR BEN MURIE, D.O.  
 3496 W. Eden View Drive  
 South Jordan, Utah 84095
11. Brianna L. Peterson, Ph.D., F-ABFT; Robert A. Middleberg; Persons Most  
 Knowledgeable and/or Custodian of Records  
 NMS LABS  
 200 Welsh Road  
 Horsham, PA 19044  
 (215) 657-4900
12. Todd Garwood, Matthew Pokorny and/or other responding paramedics; Persons  
 Most Knowledgeable and/or Custodians or Records  
 Clark County Fire Department  
 575 East Flamingo Road, Station 18, 3<sup>rd</sup> Fl.  
 Las Vegas, Nevada 89119  
 (702) 455-7322

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13. Jennifer Aguilar, Andrew Louis, Persons Most Knowledgeable and/or Custodian of Records  
 American Medical Response (AMR)  
 PO Box 56141  
 Los Angeles, California 90074
14. Josh Bever, David Barry and/or Persons Most Knowledgeable and/or Custodian of Records  
 Walgreens Store #11899  
 6485 South Fort Apache Road  
 Las Vegas, Nevada 89148
15. Persons Most Knowledgeable and/or Custodian of Records for  
 Walgreens Boots Alliance, Inc.  
 c/o Jason Fowler, Esq.  
 Ranalli Zaniel Fowler & Moran, LLC  
 2340 W. Horizon Ridge Parkway, Suite 100  
 Henderson, Nevada 89052
16. Margarita Bonaparte, and/or Sonya Higginbotham, and/or Persons Most Knowledgeable and/or Custodian of Records for San Diego County Sheriff's Department  
 John F. Duffy Administrative Center  
 9621 Ridgehaven Court  
 San Diego, California 92123
17. Alan Taranto  
 Address Currently Unknown
18. LauraJean Pittman  
 Address Unknown
19. Belinda Veloz  
 6424 Hartwood Road  
 Las Vegas, NV 89108
20. Tyler H. Aronstein, D.O., Kevin B. Alford, M.D., Maryellyn Gilfeather, M.D., Katherine Januszewicz, M.D., and/or Persons Most Knowledgeable and/or Custodian of Records for  
 Southern Hills Hospital  
 9300 W. Sunset Road  
 Las Vegas, NV 89148  
 (702) 916-5000

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21. Tyler H. Aronstein, D.O., Persons Most Knowledgeable and/or Custodian of Records for  
 Fremont Emergency Services  
 Custodian of Records  
 PO Box 638972  
 Cincinnati, OH 45263-8972
22. Maryellyn Gilfeather, M.D., and/or Persons Most Knowledgeable and/or Custodian of Records for  
 Radiology Specialists, LTD  
 PO Box 50709  
 Henderson, NV 89016-0709  
 (800) 841-4236
23. Expert Scott A. DeFoe  
 On-Scene Consulting Group, LLC  
 P.O. Box 4456  
 Huntington Beach, CA 92605-4456
24. Expert Stan V. Smith, Ph.D.  
 Smith Economics Group, Ltd.  
 1165 N. Clark Street, Suite 600  
 Chicago, IL 60610
25. Expert Bennett I. Omalu, M.D., MBA, MPH, CPE, DABP-AP, CP, FP, NP  
 Bennett Omalu Pathology, Inc.  
 1631 Executive Court  
 Sacramento, CA 95864

(b) **State the names and addresses of Defendants' witnesses:**

WITNESSES DEFENDANTS INTEND TO CALL

1. Defendant Sgt. Geordinno Bagaporo, P#5970<sup>1</sup>  
 c/o Marquis Aurbach  
 10001 Park Run Drive  
 Las Vegas, Nevada 89145  
 (702) 382-0711
2. Defendant Sgt. Jeffrey Blum, P#8924  
 c/o Marquis Aurbach  
 10001 Park Run Drive  
 Las Vegas, Nevada 89145  
 (702) 382-0711

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<sup>1</sup> Named as Sergeant Gerald Bagaporo in the Complaint.

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3. Defendant Ofc. Andrew Garcia, P#17966  
 c/o Marquis Aurbach  
 10001 Park Run Drive  
 Las Vegas, Nevada 89145  
 (702) 382-0711
4. Defendant Ofc. Joseph Ortega, P#16580  
 c/o Marquis Aurbach  
 10001 Park Run Drive  
 Las Vegas, Nevada 89145  
 (702) 382-0711
5. Jennifer Aguilar  
 Paramedic  
 American Medical Response  
 Current address unknown
6. Todd Garwood  
 Engineer-Paramedic  
 Clark County Fire Department, Station 26  
 4030 S. El Capitan Way  
 Las Vegas, Nevada 89147  
 (702) 455-7311
7. Matthew Pokorny  
 Paramedic  
 c/o Clark County Fire Department, Station 14  
 3260 S. Topaz Rd  
 Las Vegas, Nevada 89121  
 (702) 455-7311
8. Expert John “Jack” Ryan  
 Legal and Liability Risk Management Institute  
 Carr Road, #595  
 Plainfield, Illinois 46168
9. Expert Gary Vilke, M.D.  
 11582 Normanton Way  
 San Diego, California 92131
10. Samual M. Lundstrom, Ph.D.  
 Cirque Analytics  
 3395 N. Ines Way, Ste. 101  
 Wilson, Wyoming 83014  
 (307)264-3857
11. Landon Reyes (Rule 30(b)(6) witness)  
 C/O Marquis Aurbach  
 10001 Park Run Drive  
 Las Vegas, Nevada 89145



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12. Ben Murie, D.O.  
 Medical Examiner  
 c/o Clark County Coroner  
 1704 Pinto Lane  
 Las Vegas, Nevada 89106  
 (702) 455-3210

13. Joshua Bever  
 Manager Walgreens  
 6045 S. Fort Apache Road  
 Las Vegas, Nevada 89148  
 (702) 235-4831

**WITNESSES WHO MAY BE CALLED IF THE NEED ARISES**

1. Plaintiff Taylor Sommer  
 c/o Roger P. Croteau & Associates  
 2810 W. Charleston, #67  
 Las Vegas, Nevada 89102  
 (702) 254-7775
2. Det. Jason Leavitt, P#5814  
 Det. Blake Penny, P#6042  
 c/o Las Vegas Metropolitan Police Department  
 400 S. Martin Luther King Blvd, #B  
 Las Vegas, Nevada 89106  
 (702) 828-3111
3. Det. A. Raymond, P#9339  
 Det. J. Roth, P#13913  
 Det. S. Smaka, P#6098  
 Lt. K. McKenzie, P#6746  
 c/o Las Vegas Metropolitan Police Department  
 400 S. Martin Luther King Blvd, #B  
 Las Vegas, Nevada 89106  
 (702) 828-3111

**XI. Motions *in Limine*:**

To date, no party has filed any motions *in limine*. The parties will file motions in limine within 30-days of the trial or before any deadline set by the Court.

**XII. Trial Dates:**

The attorneys or parties have met and jointly offer these trial dates: weeks of January 5, 12, weeks of March 2, 9, 16, 23, 30 or weeks of April 6, 13, 20, 27. It is expressly understood by the undersigned that the Court will set the trial of this matter on one of the agreed-upon dates if possible;

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if not, the trial will be set at the convenience of the Court's calendar.

**XIII. Trial Length:**

It is estimated that the trial will take a total of ten (10) days.


APPROVED TO AS TO FORM AND CONTENT:

ROGER P. CROTEAU & ASSOCIATES, LTD.	MARQUIS & AURBACH
<p><u>/s/Roger P. Croteau</u>                      ROGER P. CROTEAU, ESQ.                      Nevada Bar No. 4958                      TIMOTHY E. RHODA, ESQ.                      Nevada Bar No. 7878                      2810 West Charleston Blvd., #67                      Las Vegas, Nevada 89102                      702-254-7775  <a href="mailto:croteaulaw@croteaulaw.com">croteaulaw@croteaulaw.com</a>  <i>Attorney for Plaintiffs</i></p>	<p><u>/s/Craig R. Anderson</u>                      CRAIG R. ANDERSON, ESQ.                      Nevada Bar No. 6882                      10001 Park Run Drive                      Las Vegas, Nevada 89145                      702-382-0711  <a href="mailto:canderson@maclaw.com">canderson@maclaw.com</a>  <i>Attorney for Defendants</i></p>

**XIV: Action By The Court**

This case is set for jury trial on the stacked calendar on March 9, 2026, at 8:30 a.m. in Courtroom 7D. Calendar Call will be held on March 3, 2026, at 9:00 a.m. in Courtroom 7D.

**IT IS SO ORDERED:**

  
 UNITED STATES DISTRICT JUDGE